

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA,)
v.) Criminal Action No. 5:14cr011-09
BARRY ALLEN SANDIDGE,) By: Hon. Michael F. Urbanski
) United States District Judge

ORDER

By Order dated August 21, 2014, the court referred this case to United States Magistrate Judge James G. Welsh for conduct of a plea hearing and plea colloquy under Rule 11 of the Federal Rules of Criminal Procedure.

A guilty plea hearing was held on August 25, 2014 before Judge Welsh, at which time defendant Ivan Trevino tendered a plea of guilty to Count One of the Third Superseding Indictment pursuant to a written plea agreement.

A Report and Recommendation concerning the guilty plea was filed on August 26, 2014. No objections were filed by either party to the Amended Report and Recommendation.

The court, having reviewed the Report and Recommendation, the Revised Plea Agreement and the Statement of Facts, concludes that the Findings of Fact set forth on pages 9 and 10 of the Report and Recommendation are fully supported by the record. As such, those Findings of Fact are accepted by the court.

Accordingly, the court finds that defendant Barry Allen Sandidge is fully competent and capable of entering an informed guilty plea, his pleas of guilty to Count One of the Third Superseding Indictment are knowing and voluntary and supported by an independent basis in fact as to the essential elements of that offense.

The Report and Recommendation recommends acceptance of the guilty plea and plea agreement. The court will defer acceptance of the guilty plea and plea agreement pending receipt and review of the Presentence Report and evidence and argument to be presented at the Sentencing Hearing scheduled for December 17, 2014 at 10:00 a.m.

As such, the Guilty Plea and Plea Agreement are **TAKEN UNDER ADVISEMENT** until sentencing.

It is so **ORDERED**.

Entered: September 24, 2014

Michael F. Urbanski

Michael F. Urbanski
United States District Judge